

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

EDDIE TATE,

Plaintiff,

vs.

BANK OF AMERICA,

Defendant.

Civil Action No.

**DEFENDANT'S NOTICE OF REMOVAL**

To: William T. Walsh, Clerk  
United States District Court, District of New Jersey  
M.L. King, Jr. Federal Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

SIR:

Pursuant to 28 U.S.C. §§1441 and 1446, and for the sole purpose of removing this matter to the United States District Court of the District of New Jersey, defendant Bank of America, N.A. ("Defendant" or the "Bank") (incorrectly referred to in the Complaint as Bank of America) states as follows:

**State Court Action**

1. Plaintiff Eddie Tate ("Plaintiff" or "Tate") filed this action against the Bank in the Superior Court of New Jersey, Atlantic County, Docket No. ATL-L-2466-09. A copy of the Complaint received by Defendant by hand on July 13, 2009, is attached as Exhibit A. As far as Defendant is aware, these documents constitute all "process, pleadings and orders" in the state court action.

2. In this lawsuit, Plaintiff alleges that the Bank terminated him in violation of the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. ("CEPA").

**Diversity Jurisdiction**

3. This Court has subject matter jurisdiction in this case based upon diversity of citizenship. See 28 U.S.C. § 1332. Diversity jurisdiction exists in a civil matter when the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the dispute is between citizens of different states. Id.; § 1332(a)(1). Both of the requirements for subject matter jurisdiction based on diversity jurisdiction are met in this case.

a. Citizens of Different States

4. First, complete diversity of citizenship exists between Plaintiff and Defendant.

5. At the time of filing of the Complaint and at the time of removal, Plaintiff purportedly was and is a resident of the state of New Jersey, having his permanent domicile in Galloway, New Jersey. See Complaint, initial paragraph.

6. Defendant Bank of America, N.A., is incorporated under the laws of the State of Delaware and has its principal place of business and main office in Charlotte, North Carolina. Thus, the federal district court has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332.

b. Amount in Controversy

7. Second, the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. In the Complaint, Plaintiff requests the following relief: (1) compensatory damages, which under CEPA can include lost damages, benefits, and remuneration, as well as recovery for emotional distress; (2) punitive damages (which are also recoverable under CEPA without any "cap"); and (4) attorney's fees. See Complaint ¶ 13; N.J.S.A. 34:19-5.

8. Based on Plaintiff's intention to seek the above-mentioned categories of damages, it is facially apparent that the amount in controversy exceeds the jurisdictional requirement of \$75,000, exclusive of interest and costs.

9. At the time of his termination, plaintiff's annual salary was \$63,000 per year. See Exh. B at ¶ 3 [Affidavit of Robert M. Frozynski, Senior Vice President, Project Manager II, Pay Services Delivery]. With an estimated trial date in this case of April 2010 – a period of 15 months after his March 2009 termination, Plaintiff's alleged back pay alone during that period would be approximately **\$78,750**. Additionally, Plaintiff received benefits valued at 26% of his annual salary, i.e. \$16,695. Exh. B at ¶ 4. If *front pay* (i.e., lost wages from the date of trial into the future) is added to that sum at the rate of \$63,000 per year, plaintiff's lost wage damages would easily exceed the \$75,000 jurisdictional minimum.

10. Moreover, compensatory damage awards in CEPA cases in New Jersey also indicate that the amount in controversy exceeds \$75,000, especially when combined with the alleged lost wages. Higgins v. Pascack Valley Hospital, 730 A.2d 327, 333-34 (N.J. 1999) (upholding CEPA award of \$225,000 for lost wages and benefits and \$45,000 for emotional distress); Stomel v. City of Camden, 2008 WL 5119772 (N.J. Super. Ct. Law Div. Nov. 20, 2008) (\$535,000 jury award on CEPA retaliation claim); Jones v. Atlantic City Bd. of Education, 2006 WL 3392865 (N.J. Super. Ct. Law Div. Aug. 3, 2006) (jury verdict awarding plaintiff \$1.55 million on CEPA claims); Plutarco Flores v. The Guardian Drug Co., 2003 WL 21703761 (N.J. Super. Ct. Law Div. May 28, 2003) (jury award of \$750,000 for wrongful termination and retaliation claims under CEPA).

11. When the possibility of punitive damages and attorneys' fees is included with alleged lost wages and alleged emotional distress, it is plainly apparent that the amount in

controversy here exceeds \$75,000 exclusive of interest and costs. See Green v. Jersey City Board of Education, 828 A.2d 883, 892 (N.J. 2003) (upholding \$300,000 punitive damage award); Higgins, 730 A.2d at 334 (upholding CEPA award of \$200,816 in attorney's fees and \$320,000 in punitive damages); Blue v. Janover Direct, Inc., 2009 WL 1199232 (N.J. Super. Ct. Law Div. March 3, 2009) (\$600,000 punitive damages award on CEPA claim).

**Timeliness of Notice of Removal**

12. Defendant first received notice of this suit when it received the Summons and Complaint on July 13, 2009. Removal of this action has occurred within 30 days of such purported service and is, therefore, timely under 28 U.S.C. § 1446(b).

13. Defendant has simultaneously notified the Superior Court of New Jersey, Atlantic County, of the removal of this action.

**Relief Requested**

14. For the foregoing reasons, Defendant requests that the United States District Court for the District of New Jersey assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

Respectfully submitted,

EDWARDS ANGELL PALMER & DODGE LLP  
One Giralda Farms  
Madison, New Jersey 07940  
Ph. (973) 520-2300  
Fax (973) 520-2600  
Attorneys for Defendants

By: s/ Kenneth J. Cesta  
Kenneth J. Cesta

DATED: August 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2009, I filed the within Notice of Removal by ECF and served a copy of same by causing a copy to be sent via facsimile and overnight mail to the plaintiff's counsel as follows:

TO: Louis M. Barbone  
JACOBS & BARBONE, P.A.  
Attorneys at Law  
1125 Pacific Avenue  
Atlantic City, New Jersey 08401  
(609) 348-1125

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

s/ Kenneth J. Cesta

Kenneth J. Cesta

# EXHIBIT A

#10707 7-11-09

945 am

JACOBS & BARBONE, P.A.  
A Professional Corporation  
Attorneys at Law  
1125 Pacific Avenue  
Atlantic City, New Jersey 08401  
(609) 348-1125  
Attorneys for Plaintiff  
[jacobsbarbone@comcast.net](mailto:jacobsbarbone@comcast.net)

EDDIE TATE,  Plaintiff,  v.  BANK OF AMERICA,  Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CIVIL PART ATLANTIC COUNTY  DOCKET NO. ATL-L-2466-09  Civil Action  <b>SUMMONS</b>
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**From the State of New Jersey**

To the Defendant(s) Named Above: BANK OF AMERICA

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

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If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

/S/ Jennifer M. Perez  
Clerk of the Superior Court

Dated: 7/8/09

<b>Name of Defendant to be served:</b>	<b>Bank of America</b>
<b>Address of Defendant to be served:</b>	<b>1501 Tilton Road</b>
	<b>Northfield, NJ 08225</b>

7/13/05  
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**ATLANTIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Boulevard, First Flr  
Atlantic City, NJ 08401

**LAWYER REFERRAL**

(609) 345-3444  
LEGAL SERVICES  
(609) 348-4200

**BERGEN COUNTY:**

Deputy Clerk of the Superior Court  
Case Processing Section, Room 119  
Justice Center, 10 Main Street  
Hackensack, NJ 07601-0769

**LAWYER REFERRAL**

(201) 488-0044  
LEGAL SERVICES  
(201) 487-2166

**BURLINGTON COUNTY:**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Floor, Courts Facility  
49 Rancocas Road  
Mt. Holly, NJ 08060

**LAWYER REFERRAL**

(609) 261-4862  
LEGAL SERVICES  
(800) 496-4570

**CAMDEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Processing Office  
1<sup>st</sup> Floor, Hall of Records  
101 S. Fifth Street  
Camden, NJ 08103

**LAWYER REFERRAL**

(856) 964-4520  
LEGAL SERVICES  
(856) 964-2010

**CAPE MAY COUNTY:**

Deputy Clerk of the Superior Court  
9 N. Main Street  
Box DN-209  
Cape May Court House, NJ 08210

**LAWYER REFERRAL**

(609) 463-0313  
LEGAL SERVICES  
(609) 465-3001

**CUMBERLAND COUNTY**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Broad & Fayette Streets, P.O. Box 615  
Bridgeton, NJ 08302

**LAWYER REFERRAL**

(856) 692-6207  
LEGAL SERVICES  
(856) 451-0003

**ESSEX COUNTY:**

Deputy Clerk of the Superior Court  
50 West Market Street  
Room 131  
Newark, NJ 07102

**LAWYER REFERRAL**

(973) 622-6207  
LEGAL SERVICES  
(973) 624-4500

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**GLOUCESTER COUNTY:**  
Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First Floor, Court House  
1 North Broad Street, P.O. Box 750  
Woodbury, NJ 08096

**LAWYER REFERRAL**  
(856) 848-4589  
**LEGAL SERVICES**  
(856) 848-5360

**HUDSON COUNTY:**  
Deputy Clerk of the Superior Court  
Superior Court - Civil Records Dept.  
Brennan Court House - 1<sup>st</sup> Floor  
583 Newark Avenue  
Jersey City, NJ 07306

**LAWYER REFERRAL**  
(201) 798-2727  
**LEGAL SERVICES**  
(201) 792-6363

**HUNTERDON COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822

**LAWYER REFERRAL**  
(908) 263-6109  
**LEGAL SERVICES**  
(908) 782-7979

**MERCER COUNTY**  
Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650

**LAWYER REFERRAL**  
(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

**MIDDLESEX COUNTY**  
Deputy Clerk of the Superior Court  
Administration Building  
Third Floor  
1 Kennedy Square, P.L. Box 2633  
New Brunswick, NJ 08903-2633

**LAWYER REFERRAL**  
(732) 828-0053  
**LEGAL SERVICES**  
(732) 249-7600

**MONMOUTH COUNTY:**  
Deputy Clerk of the Superior Court  
Court House, 71 Monument Park  
P.O. Box 1269  
Freehold, NJ 07728-1269

**LAWYER REFERRAL**  
(732) 431-5544  
**LEGAL SERVICES**  
(732) 866-0020

**MORRIS COUNTY**  
Deputy Clerk of the Superior Court  
Civil Division  
30 Schuyler Pl., P.O. Box 910  
Morristown, NJ 07960-0910

**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(973) 285-6911

**OCEAN COUNTY:**  
Deputy Clerk of the Superior Court  
Court House, Room 119  
118 Washington Street  
Toms River, NJ 08754

**LAWYER REFERRAL**  
(732) 240-3666  
**LEGAL SERVICES**  
(732) 341-2727

PASSAIC COUNTY:  
Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton Street  
Paterson, NJ 07505

LAWYER REFERRAL  
(973) 278-9223  
LEGAL SERVICES  
(973) 523-2900

SALEM COUNTY  
Deputy Clerk of the Superior Court  
92 Market Street  
P.O. Box 18  
Salem, NJ 08079

LAWYER REFERRAL  
(856) 678-8363  
LEGAL SERVICES  
(856) 451-0003

SOMERSET COUNTY:  
Deputy Clerk of the Superior Court  
Civil Division Office  
New Court House, 3<sup>rd</sup> Floor  
P.O. Box 3000  
Somerville, NJ 08876

LAWYER REFERRAL  
(908) 685-2323  
LEGAL SERVICES  
(908) 231-0840

SUSSEX COUNTY  
Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 383-7400

UNION COUNTY  
Deputy Clerk of the Superior Court  
1<sup>st</sup> Floor, Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073

LAWYER REFERRAL  
(908) 353-4715  
LEGAL SERVICES  
(908) 354-4340

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WARREN COUNTY  
Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500

LAWYER REFERRAL  
(908) 387-1835  
LEGAL SERVICES  
(908) 475-2010

7/13/09  
945 am

JACOBS & BARBONE, P.A.  
A Professional Corporation  
Attorneys at Law  
1125 Pacific Avenue  
Atlantic City, New Jersey 08401  
(609) 348-1125  
Attorneys for Plaintiff  
[jacobsbarbone@comcast.net](mailto:jacobsbarbone@comcast.net)

RECEIVED and  
FILED

JUN 30 2009

ATLANTIC COUNTY  
LAW DIVISION

EDDIE TATE,  Plaintiff,  v.  BANK OF AMERICA,  Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CIVIL PART ATLANTIC COUNTY  DOCKET NO. ATL-L-2466-09  Civil Action  <b>COMPLAINT, JURY DEMAND AND DESIGNATION OF TRIAL COUNSEL</b>
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Eddie G. Tate, residing at 60 Shawnee Place, Galloway, New Jersey  
08205, Atlantic County, complaining against defendant, says as follows:

#### COUNT I

1. On January 4, 2005, plaintiff Eddie G. Tate, III commenced employment with Defendant Bank of America. Plaintiff was hired as a Banking Center Manager at the Virginia Avenue branch in Atlantic City. In 2007, plaintiff was promoted to a position of Assistant Vice President and was given the additional responsibility of managing the Chelsea Atlantic City branch.

2. Defendant Bank of America is a publicly traded financial institution offering personal banking services via multiple locations throughout Atlantic County, New Jersey.

3. Plaintiff performed exceptionally as a Vice President, earning superior performance reviews from his immediate supervisor, JoBeth Mariello, and

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becoming one of the most profitable Vice Presidents in his region. However, In November of 2007, Arnold Johnson replaced Ms. Mauriello as plaintiff's immediate supervisor.

4. Plaintiff began to notice irregularities with employee attrition and customer relations shortly after Mr. Johnson became plaintiff's supervisor.

5. Rochellee Jones, a bank teller under plaintiff's supervision who had consistently received negative performance reviews, informed plaintiff that she wished to resign from Bank of America and pursue gaming opportunities in Atlantic City. Ms. Jones immediately gave plaintiff one weeks' notice and authored a written letter of resignation which plaintiff forwarded to his new supervisor, Mr. Johnson. Plaintiff subsequently learned that Mr. Johnson had convinced Ms. Jones to retract her resignation and take a part-time position at *another one of defendant's banking centers within Mr. Johnson's market.* Shortly thereafter, Ms. Jones tried to resign again. Though Mr. Johnson again attempted to convince her to stay, he was unable to do so. Instead, Mr. Johnson inexplicably changed Ms. Jones employment status to "leave of absence".

6. Shortly thereafter, Mubashir Zuberi, another employee under the supervision of plaintiff also tried to quit. Though Mr. Zuberi tendered his resignation in the second quarter of 2008, Mr. Arnold ordered plaintiff to delay the reporting of Mr. Zuberi's departure until after July 1, 2008 with the stated purpose of minimizing associate turnover for that quarter.

7. Plaintiff subsequently realized that Mr. Johnson receives a bonus if he prevents a certain number of employees from quitting or otherwise leaving the employ of defendant Bank of America and therefore Mr. Johnson, in order to gain

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a higher bonus for himself, was keeping individuals pre-textually employed and salaried with Bank of America who would have otherwise been terminated or voluntarily resigned. Plaintiff honestly and reasonably believed Mr. Johnson's actions violated multiple rules, regulations and laws, including, but not limited to, Theft by Deception in violation of N.J.S.A. 2C:20-4.

8. In September of 2008, plaintiff hired Ronald Davis to work as a teller in the Chelsea Avenue branch. Mr. Davis informed plaintiff that he was quitting to join the Navy on September 15, 2008, after only one week of training with defendant. In fact, later that day, a Navy recruiter came into plaintiff's banking center and had plaintiff sign indoctrination papers so Mr. Davis could immediately depart for basic training. Ronald authored a letter of resignation and informed plaintiff that he had no intention of returning to work for defendant. Plaintiff informed Mr. Johnson of Mr. Davis's intentions. Mr. Johnson and plaintiff agreed that Mr. Ronald's resignation would be official as of October 3, 2008.

Notwithstanding Mr. Johnson's representation, plaintiff learned that Mr. Davis's resignation was not accepted. Instead, he was given a military leave of absence to be effective October 2, 2008, despite the fact that Mr. Davis had only been employed for approximately two weeks and explicitly stated he had no intention of ever returning. Ultimately, Mr. Davis would continue receiving compensation and Mr. Johnson's associate turnover rate would not be negatively affected. Plaintiff honestly and reasonably believed Mr. Johnson's actions violated multiple rules, regulations and laws, including, but not limited to, Theft by Deception in violation of N.J.S.A. 2C:20-4.

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9. In March of 2008, Bank of America initiated a new program wherein managers were encouraged to market four new business products to all personal banking accounts. The activation of these new business products resulted in bonuses for supervisors, including Mr. Johnson. After the program was announced, Mr. Johnson directed plaintiff and other branch managers to add these four new business products to all accounts without the request or consent of the account holders. Mr. Johnson also instructed the branch managers to terminate these accounts before 90 days had elapsed so the customers would not be charged for the services. Although plaintiff was one of the bank managers instructed by Mr. Johnson to add these business products without the customer's consent or request, plaintiff vehemently refused and instructed those under his command not to do so either. Thereafter, defendant was flooded with calls and complaints regarding the previously mentioned business products which customers did not want nor request. Plaintiff honestly and reasonably believed Mr. Johnson's actions violated multiple rules, regulations and laws, including, but not limited to, the Consumer Fraud Act in violation of N.J.S.A. 56:8-1 et seq., and Theft by Deception in violation of N.J.S.A. 2C:20-4.

10. Plaintiff did continually report, disclose, object to and refuse to participate in those activities, policies and practices of Arnold Johnson, his supervisor, to which he reasonably believed were in violation of law, rule and regulation promulgated pursuant to law, and which was fully incompatible with the clear mandate of public policy concerning the public health, safety and welfare, all of which are in strict and studious conformance with the activities of a conscientious employee, pursuant to N.J.S.A. 34:19-3.

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11. Plaintiff reasonably believed Mr. Johnson's conduct was illegal and made numerous reports to other branch managers within Atlantic County and to defendant's Advice and Counsel Department.

12. Notwithstanding that plaintiff was quantitatively the highest producing bank manager for defendant Bank of America for all of Southern New Jersey for the last two years, Mr. Johnson thereafter relied on unreachable goals and pre-textual negative performance evaluations and a fabricated claim of market restructuring to retaliate against plaintiff for his conscientious reports of illegality by reducing plaintiff's salary by 10%, demoting plaintiff to a position at a smaller and less productive bank in February of 2009 and ultimately terminating plaintiff's employment with defendant Bank of America on March 4, 2009.

13. WHEREFORE, plaintiff demands judgment against defendants jointly, severally and in the alternative pursuant to the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq., as follows:

- a. Compensatory damages;
- b. Punitive damages;
- c. Interest, attorney's fees and costs of suit; and
- d. Any other relief the Court deems equitable and just.

JACOBS & BARBONE, P.A.

Attorney for Plaintiff, Eddie Tate

By:

  
Louis M. Barbone

Date: May 27, 2009

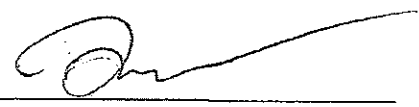
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CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R. 4:5-1, I hereby certify that to the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action pending in any Court or arbitration proceedings, and no other action is contemplated. I know of no other parties that should be joined herein.

JACOBS & BARBONE, P.A.  
Attorney for Plaintiff, Eddie Tate

By:

  
Louis M. Barbone

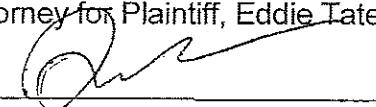
Date: May 27, 2009

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Louis M. Barbone, Esquire of the firm of Jacobs & Barbone, P.A. is designated as counsel for plaintiff Eddie Tate.

JACOBS & BARBONE, P.A.  
Attorney for Plaintiff, Eddie Tate

By:

  
Louis M. Barbone

Date: May 27, 2009

JURY DEMAND PURSUANT TO R. 1:8-1(b) and R. 4:35-1

Plaintiff Eddie Tate hereby requests trial by jury as to all issues herein.



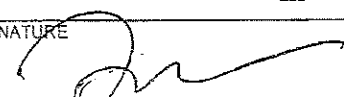
JACOBS & BARBONE, P.A.  
Attorney for Plaintiff, Eddie Tate

By:

  
Louis M. Barbone

Date: May 27, 2009

## Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
 <p>Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.</p>		PAYMENT TYPE: CK CG CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY/PRO SE NAME Louis M. Barbone, Esquire	TELEPHONE NUMBER (609) 348-1125	COUNTY OF VENUE Atlantic	
FIRM NAME (If applicable) Jacobs & Barbone, P.A.	DOCKET NUMBER (When available) ATL-L-2466-09		
OFFICE ADDRESS 1125 Pacific Avenue Atlantic City, NJ 08401	DOCUMENT TYPE Complaint		
		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Eddie Tate, Plaintiff	CAPTION Eddie Tate v. Bank of America		
CASE TYPE NUMBER (See reverse side for listing) 616	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP <input checked="" type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE:		
ATTORNEY SIGNATURE 			

SIDE 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

## Track I — 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

## Track II — 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE — PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE — PROPERTY DAMAGE
- 699 TORT — OTHER

## Track III — 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

## Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 280 ZELNORM
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

## Mass Tort (Track IV)

- |                                       |  |
|---------------------------------------|--|
| 248 CIBA GEIGY                        | 278 ZOMETA/AREIDIA                     |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 279 GADOLINIUM                         |
| 271 ACCUTANE                          | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 272 BEXTRA/CELEBREX                   | 282 FOSAMAX                            |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 283 DIGITEK                            |
| 275 ORTHO EVRA                        | 284 NUVARING                           |
| 276 DEPO-PROVERA                      | 601 ASBESTOS                           |
| 277 MAHWAH TOXIC DUMP SITE            | 619 VIOXX                              |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold☐ Putative Class Action☐ Title 59

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

EDDIE TATE,

Plaintiff,

vs.

BANK OF AMERICA,

Defendant.

CIVIL ACTION NO.:

**DECLARATION OF ROBERT M. DROZYNSKI PURSUANT TO 28 U.S.C. § 1746**

1. My name is Robert M. Drozynski. I am fully competent to make this declaration and have personal knowledge of the facts set forth herein.
2. I am currently employed by Bank of America, N.A. ("the Bank") as a Senior Vice President, Project Manager II, Pay Services Delivery.
3. Plaintiff Eddie Glenn Tate ("Tate") was terminated by the Bank on or about March 20, 2009, at which time he was earning an annual salary of \$63,000. Attached hereto as Exhibit A is a true and accurate copy of a relevant excerpt from Tate's Compensation History printout.
4. Additionally, Mr. Tate received benefits valued at 26.5% of his annual salary, i.e., \$16,695. Such benefits included payroll taxes paid on his behalf, 401(k) matching, pension contributions, and medical, dental and disability insurance.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2009

  
\_\_\_\_\_  
Robert M. Drozynski

Employment Information (Cartridge View)

Page 1 of 1

Effective Date: Jul-24-2009

Person Number: 23585933

Tate III, Eddie G

## Compensation Profile

Person Type: Ex-employee  
 Status: Terminate Assignment  
 Primary State: NJ

Assignment Start Date: MAR-21-2009  
 Employment Category: Fulltime-Regular

## Compensation Organization

Company/Cost Center Code: 00035-0220779  
 Company/Cost Center Name: 00035-0220779-CORPSEV RELATED-SEV EXP  
 LOB Code: 574872  
 LOB Name: 574872-GLOBAL CORPORATE PLANNING AND STRATEGY  
 Sub LOB Code: 574875  
 Sub LOB Name: 574875-CORPORATE PLANNING AND STRATEGY  
 Group Code: BM  
 Group Name: BM-SEVERANCE FTE  
 Division Code: 574882  
 Division Name: 574882-CORPORATE PLANNING AND STRATEGY  
 Finance Manager: Paul B Warren  
 Finance Manager Person Number: 10447973  
 Team Lead :  
 Team Lead Person Number:

Manager Person Number: 28242579  
 Manager Name: Arnold R Johnson  
 Work Location Code: NJ7148  
 Work Location Name: 1501 Tilton Road  
 Org Manager Person Number: 10234754  
 Pay Co Code/Name: 94-1687665/Bank of America National Association  
 Personnel Manager: Select Last Active Assignment  
 Org Manager Name: Gregory L Curt  
 Personnel Manager Person Number: 23638838  
 Sub Division Code: 574884  
 Sub Division Name: 574884-CONSOLIDATED PLANNING CONTROL  
 10 Dot Finance Hierarchy Code: BMS.....U1  
 Hub City Flag: N

## Compensation Job

FLSA Status: EX  
 Job Title: Banking Center Manager II  
 Geo Tier: RM002.US3  
 Job Code: RM002  
 Time Card Required: N

Salary Basis: Annual  
 Salary Basis - Annual: 63000.00  
 Salary Basis - Bi-Weekly: 2423.08  
 Salary Basis - Hourly: 30.29

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"A"